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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/190,309	11/12/1998	DANIEL R. SCHNEIDEWEND	RCA89.041	6495

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EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 10/24/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

PAC

Office Action Summary

Application No.

09/190,309

Applicant(s)

SCHNEIDEWEND ET AL.

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-14,17 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14,17 and 25-31 is/are allowed.
- 6) ☒ Claim(s) 1,11 and 13 is/are rejected.
- 7) ☒ Claim(s) 2-5,8-10 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 11 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman et al. (U.S. Patent No. 6,427,238) in view of Shin et al. (U.S. Patent No. 6,169,580).

Referring to claim 1, Goodman discloses a system for initiating scheduled program processing functions for use in a video decoder receiving packetized program information from different broadcast sources (Column 4, Lines 52-60), where the packetized program information from an individual broadcast source contains program content system timing and program specific information data (Column 3, Lines 40-42 and Column 4, Lines 25-26). Goodman also discloses a selection means for selecting a desired program produced by a broadcast source, and a means for tuning to receive packetized program information containing a program (Column 5, Lines 5-12). Goodman also teaches that a processor (CNRL 35) is used to control a set-top box (see Figure 2) and acquires system-timing data, which is a current time reference (used for

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synchronization provided in the broadcast source, see Column 4, Lines 25-26), and is provided in the broadcast source in the packetized program information (Column 4, Lines 30-32). Goodman fails to disclose that the processor adaptively derives a scheduling time clock based on a current time reference indication produced by a particular broadcast source and uses the derived clock in initiating scheduled processing functions for programs derived from the broadcast source.

Shin discloses receiving a program from a broadcast source (that contains identification of the station) and the microprocessor adaptively derives a time clock based on the current time reference (time date) produced by the broadcast source (Column 4, Lines 20-50), and uses the derived time clock to initiate a scheduled processing function for the programs derived by the broadcast source (Column 5, Lines 1-24).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the set-top box for decoding program data and time stamp information, as taught by Goodman, using the automatic time setting apparatus, as taught by Shin, for the purpose of allowing a user to reserve a program of a desired broadcasting channel in accordance with the newly reserved program recording start time and reserved program recording completion time (Column 5, Lines 36-39 of Shin).

Claim 11 corresponds to claim 1, with the additional limitation of the processor initiating scheduled program recording functions (see Column 5, Lines 1-40 of Shin).

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (U.S. Patent No. 6,157,411) in view of Goodman et al. (U.S. Patent No. 6,427,238).

Referring to claim 13, Williams discloses forming composite program guide information from program guide information received from a plurality of sources (Column 1, Lines 61-67 and Figure 2). Williams also discloses that the program guide information from an individual broadcast source contains system-timing data comprising a current time reference indication provided by an individual broadcast source (Lines 24-28 and Figure 3). Williams also discloses forming channel map information including at least one identification number for use in identifying a broadcast channel and for associating said broadcast channel with a broadcast source (Column 7, Lines 12-18 and Figure 3). Williams also discloses incorporating the channel map information and current time reference indications produced by a plurality of broadcast sources into said composite program guide information (Column 8, Lines 17-22). Williams also discloses forming a composite program guide to associate a particular current time reference indication with a particular individual broadcast source (Column 8, Lines 32-35 and Claim 1). Williams fails to disclose incorporating the composite program guide information into packetized data for output to a transmission channel.

Goodman discloses receiving audio-video content from various sources and combining them using a packetization unit for transmission on an output channel (see Figure 1 and Column 3, Lines 35-48, and Column 4, Lines 25-26 and Lines 52-60).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the entertainment system, as taught by Williams, using the packetization unit, as taught by Goodman, for the purpose of using a reliable data transport system.

Allowable Subject Matter

4. Claims 14, 17, and 25-31 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to claim 14, the prior art of record fails to anticipate or rendered obvious a second time clock different to the derived time clock in conjunction with the remaining limitations in claim 14.

Referring to claim 25-29, the prior art of record fails to anticipate or rendered obvious a second filtered time clock to prevent a user from seeing an abrupt time change discontinuity.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Claims 2-5, 8-10, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ogawa et al. (U.S. Patent No. 6,314,571) discloses an EPG processing system for customizing an on-screen program guide.

Byrne et al. (U.S. Patent No. 5,990,883) discloses a set-top box that receives data from multiple sources.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.

October 15, 2002



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
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